

NHS Cheshire CCG Career Break Policy

NHS Cheshire CCG Career Break Policy
Effective from 03 July 2020

This version supersedes previous versions of policies published by NHS Cheshire CCG or the following former CCGs: NHS Eastern CCG, NHS South Cheshire CCG, NHS Vale Royal CCG and NHS West Cheshire CCG.

Applies to all employees of Cheshire CCG

This document should be read in conjunction with:

- Grievance & Disputes Policy
- Equality & Diversity Policy
- Family Leave Policy

Policy Revisions and Amendments – February 2019		
Section	Reason for Change	Approved By

POLICY OBSOLETE		
Date	Reason	Approved By

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1. Introduction

The Cheshire CCG recognises that during an employee's working life there will be times when personal commitments take priority over work. The Career Break Policy has been designed to allow employees the opportunity to take an unpaid break from their employment, of up to 5 years.

2. Policy Statement

For statutory purposes, the period of the break will count towards continuous employment, however all other terms and conditions of employment with the CCG will be suspended. The period of the career break will therefore not count as reckonable service when calculating contractual entitlement to benefits such as annual leave, sick pay, contractual redundancy payments and any other benefits dependent upon length of service. There will be no entitlement to benefits, such as sick pay, during the period of the break.

Employees qualify to apply for a career break if they have been continuously employed by the CCG on a permanent basis for a period of twelve months or more.

Subject to business needs, applications will normally be approved for the purpose of;

- caring for a sick or dependent relative;
- caring for children;
- extended periods of travel, or voluntary services;
- personal reasons e.g. following ill health;
- undertaking further education.

Any other reason will be considered on its merit.

The length of the career break will normally be for a minimum of 3 months up to a maximum of 5 years. More than one career break may be granted in the course of employment provided that the combined length of the breaks does not exceed the maximum of 5 years.

Managers, where appropriate, should make every opportunity to maintain contact with those staff taking career breaks. The amount and level of contact will vary depending on the length of the career break and the individual circumstances relating to the break.

Employees will be expected to maintain contact with their manager and should inform the CCG of any changes to personal circumstances, i.e. change of home address.

Employees should also demonstrate their commitment to the CCG by:

- not undertaking any other paid employment with another employer during the career break except where, for example, work overseas or charitable work could broaden experience. In such circumstances written authority should be sought prior to the start of the career break. Employees who may need to obtain employment to support themselves financially, for example whilst travelling abroad, may do so, but on a casual basis; and
- returning to the CCG on the agreed return date.

3. Scope

Employees are eligible to apply for a career break if they have been employed by the CCG, continuously, on a permanent basis for a period of twelve months or more. Career breaks are not available to those on temporary, or fixed term contracts which by virtue have an expiry date.

4. Responsibilities

4.1 Responsibilities of the CCG

The responsibility for the monitoring and provision of this policy initially rests with the Governing Body of the CCG

4.2 Responsibilities of Human Resources

Human Resources are responsible for providing advice, guidance and support to line managers when considering requests for Career Breaks.

4.3 Responsibilities of Managers

Managers are responsible for ensuring all requests are dealt with in a fair, equitable and consistent manner and in line with the policy.

Managers are also responsible for making fair and informed decisions in line with policy, legislative and regulative requirements.

4.4 Responsibilities of Staff

Staff are responsible for submitting requests for career breaks in line with the procedure outlined in this policy.

5. Career Break Procedure

Employees wishing to apply for a career break should complete the application form at Appendix 1, following discussions with their line manager and the authorising manager. Both the proposed commencement date and return to work date should be included.

Applications should be submitted to the authorising manager, at least 3 months prior to commencement of the intended break. Requests made less than 3 months before, will be only considered in exceptional circumstances. In deciding whether to support an applicant, the authorising manager should satisfy themselves that the individual has a clear commitment to continuing a career with the CCG, and that the reasons for requesting the break are valid.

Managers are reminded to consider the short, medium and long term implications on service delivery when considering career breaks. Further advice can be sought from the Human Resources Business Partner.

Applicants will be notified in writing of the decision within 21 days of the date of submission of their application.

The individual must also complete the form at Appendix 2 to confirm their option in respect of their pension contributions during the break.

Employees will be required to give written notification of their return to work. Where the career break is for less than a year, 2 months' notice of return is required. For breaks of longer than a year, 6 months' notice of return is required. Employees wishing to return earlier than originally anticipated must give 2 months' notice in writing. Employees wishing to extend the length of their career break must apply in writing, at least 2 months' before the agreed end, so that appropriate consideration can be given to an extension.

Where an employee returns to work within a year, they will return to the same post they held when the career break started, as far as is reasonably practicable. If this is not possible, due to restructuring etc., or if the break has been for longer than a year, then every effort will be made to find the employee a post with similar duties and responsibilities to those of the previous post held.

Should it not be possible to find a suitable similar position following a reorganisation or substantial organisational change, redundancy may be considered.

Employees may be required to undertake a period of training on their return to work. The content and duration will depend on the length of the break, the post, and any changes in working practices, legislation or policy.

All records of applications and decisions will be kept on an employee's file and a record kept centrally in Human Resources, for a minimum of 12 months.

6. Appeals Procedure

Employees may invoke to the grievance procedure if a request for a break is refused. For further information please refer to the Grievance Policy and Procedure.

7 Key Considerations

Employees considering a career break should be aware of the following:

- 7.1 Annual Leave** – all accrued annual leave must be taken before commencement of the career break. No payment in lieu of outstanding leave will be made, neither will any “carry over” of leave be allowed. There is no entitlement to annual leave during the career break. On return to work, entitlement to annual leave would be the same as when the break started, and the period of the career break will not count as reckonable service for leave purposes.
- 7.2 Trade Union Membership** – should an individual wish to continue their trade union membership during the break, they must make their own arrangements for subscriptions to be paid as this cannot continue to be paid via payroll.
- 7.3 Pay** – on return to work, employees would resume, for pay purposes, at the same pay point which had been reached at the time the career break began, subject to restructuring or substantial organisational change. If applicable, incremental dates will be deferred accordingly, to ensure that the employee's terms remain unchanged.
- 7.4 Occupational Maternity Pay** – employees commencing a career break immediately following a period of maternity leave will be liable to repay any Occupational Maternity Pay received should they fail to return to work for a period of 3 months after the break.

- 7.5 Pregnancy and Adoption** - If an employee becomes pregnant or adopts a child during a career break the provisions of the Family Leave policy will apply.
- 7.6 Sickness** – career breaks should not be used instead of sick leave. When an employee reaches a period of no sick pay they cannot commence a career break to benefit from the continuation of pension contributions detailed below.
- 7.7 Pensions** – an employee may choose to continue making contributions to the NHS Pension Scheme during a career break. The form at **Appendix 2** must be completed prior to the break to determine the employee’s option in respect of their pension. Arrangements for continuing payments must be made prior to commencement of the break.

For the first 6 months of the career break contributions are payable, by both the employee and employer, as if the employee was at work.

An individual who has paid contributions regularly during the first 6 months of a break, may continue to contribute to the Scheme for a further period of up to 18 months (maximum of 2 years). During the extended period, the employee will be responsible for paying both their own and the employer’s contributions.

Contributions will be based on the employee’s normal pensionable pay. They must continue to be paid monthly, by standing order or Direct Debit; arrears will not be allowed to accumulate.

If contributions are not made as agreed, the employee’s pension record will be closed from the date of the last contribution.

Career breaks can affect the pension benefits members are entitled to in a detrimental way if they opt to apply for ill health retirement or in the event of their death.

Further information is available from the Pensions Officer or HR Business Partner.

- 7.8 Long Service Award** – the term of the career break will not count towards qualifying service for the Long Service Award.
- 7.9 Company Property** – prior to an employee commencing a career break, where applicable, managers must ensure that appropriate arrangements have been made in respect of company property, i.e.
- Return (or otherwise) of a lease car;
 - Return of Organisation property, such as mobile telephones, laptops, iPads, keys, access cards, etc.
- 7.10 Applying for other Positions** – when on a career break, an employee is free to apply for other positions within the organisation. However, employees should note that, should they be successful, continuation of the career break cannot be guaranteed as it will depend upon the business needs and exigencies of the service in the area in which the new post sits. It is advised that a discussion is held with the recruiting manager prior to an application being submitted.
- 7.11 Returning to work** – employees will return to work at the end of an approved career break. Should an individual wish to request an extension this must be requested in

writing. If an individual does not wish to return to work following an approved career break then he/she should follow the organisations normal resignation processes. If an employee fails to return following an agreed career break then the usual organisation will make every attempt to contact the individual. If the individual cannot be contacted then the usual organisational processes will be followed to address unauthorised absence.

8. Equal Opportunities and Diversity

The Career Break Policy should be read in conjunction with the CCG's Equality and Diversity policy.

In applying this policy, the CCG will have due regard for the need to eliminate unlawful discrimination, promote equality of opportunity, and provide for good relations between people of diverse groups, in particular on the grounds of the following characteristics protected by the Equality Act (2010); age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, and sexual orientation, in addition to offending background, trade union membership, or any other personal characteristic.

Promoting diversity embodies the principles of fair treatment for all and will, as a result, improve the retention of staff. The CCG values the diversity of its workforce and aims to ensure that all staff understand this commitment and adhere to the required standards.

9. Monitoring

This policy and procedure will be reviewed periodically by Human Resources in conjunction with the CCG and Trade Union representatives. Where review is necessary due to legislative change, this will happen immediately.

Appendix 1: Career Break - Application Form

Full Name		Team / Department	
Payroll Number		Start Date with CCG	

THIS FORM SHOULD BE SUBMITTED AT LEAST 3 MONTHS BEFORE THE PROPOSED CAREER BREAK IS TO START

Section 1 (to be completed by the employee)

I would like my career break to start on _____

I would like to return to work on _____

Reason for career break

My contact details (including phone number) during the break will be

Telephone _____ Mobile _____

Address _____

I wish to apply for an extended period of unpaid leave under the Career Break Scheme. I confirm that:

- I have read and fully understood the conditions detailed within the Career Break Policy
-
- I will complete and submit a Career Break Financial Agreement prior to my break.

Signature _____

Date _____

Section 2 (to be completed by the authorising manager)

I do / do not support this application for a career break from the CCG. I have detailed below the reasons why this application has been accepted / rejected (delete as applicable).

Signature_____

Date_____

Print Name_____

Post Title_____

Appendix 2: Career Break - Financial Agreement

Full Name		Team / Department	
Payroll Number		Start Date with CCG	

I confirm that:

- I understand that I have the option to decide whether my career break should be pensionable for a period of up to two years;
- I understand that, should I decide that I would like my career break to be pensionable, I remain liable for monthly pension contributions for the period and that, for the first six months of the career break, I will pay my own contributions and that the Organisation will continue to pay employer's contributions;
- I understand that, if I pay my contributions continuously for the first six months of the career break, I may continue to pension the break for a further period of up to 18 months. During this additional period, I will be liable to pay both my own, and the Organisation's contributions;
- I understand that contributions will be based on my normal earnings;
- I agree to make monthly payments to Organisation via standing order/Direct Debit.
- I understand that, if I fail to make my contributions as agreed, my pension record will be closed down at the date of the last contribution made.

Please select **ONE** of the following four options

Option 1 I do not wish my career break to be treated as pensionable service and understand that my pension record will be closed down at the start of my break with no contributions payable	
Option 2 I wish to treat up to the initial six months of my career break as pensionable and undertake to pay monthly employee contributions via standing order/Direct Debit	
Option 3 I wish to treat my career break as pensionable for a period of _____ months. I undertake to pay monthly employee contributions for the first six months and <u>both</u> employee's and employer's contributions for the remainder of the period. All contributions will be made via standing order/Direct Debit	
Option 4 I wish to treat my career break as pensionable for the maximum period of two years. I undertake to pay monthly employee contributions for the first six months and both employee's and employer's contributions for the remaining 18 months of the period. All contributions will be made via standing order/Direct Debit.	

Signature _____

Date _____

Governance Backpage

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